IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 11947 of 2003

Between:

Thoram Venkata Satyavathi, W/o. China Venkateswara Rao,
aged about 40 years, R/o. Katari Nagar, Bhimavaram,

West Godavari District.

..... PETITIONER

AND

1.The Superintending Engineer, Irrigation Circle, Dowleswaram,

East Godavari District.
2.The Executive Engineer, Irrigation Division, Bhimavaram,

West Godavari District.
3.The Deputy Executive Engineer, Irrigation Division, Bhimavaram,
West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction declaring the action of the Deputy Executive Engineer, Irrigation Division, Bhimavaram, West Godavari District, 3rd Respondent herein in seeking to remove 12" dia pipe at M.2/4 R.B. which has been supplying water from Lasari Main Channel to the lands in R.S.No. 600 etc., of Bhimavaram, Bhimavaram Mandal, West Godavari District as illegal, arbitrary, unreasonable, highhanded and violative of Articles 14, 21 and 300-A of the Constitution of India and consequently direct the Respondents herein not to disturb the same.

Counsel for the Petitioner: MR.A.V.SESHA SAI

Counsel for the Respondent Nos.1 to 3 : GP FOR IRRIGATION

The Court made the following :

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THE HONOURABLE SRI JUSTICE B.PRAKASH RAO

WRIT PETITION No.11947 OF 2003

ORDER:

Heard both the learned counsel and at their request the main writ petition itself is taken up for disposal.

The petitioner, who is the Ayacutdar, filed this writ petition seeking to assail the action of the third respondent in trying to remove the 12" dia pipe at M.2/4 R.B., which has been supplying water from Lasari main channel to the lands in R.S.No.600 etc. of Bhimavaram, West Godavari District.

Several contentions have been urged across the bar. However, it is represented by the learned Government Pleader for Irrigation, appearing on behalf of the respondents, that it is specifically stated in the counter affidavit filed by the respondents that the said channel is not being removed and only some repairs are being attended, to make the said channel a pucca one by effecting proper repairs.

Recording the submission made by the learned Government Pleader for Irrigation, the W.P. can be disposed of, as it is not necessary to go into any other question in the writ petition.

The writ petition is accordingly disposed of. No costs.

21st July, 2004

cs/skmr

To

1.The Superintending Engineer, Irrigation Circle, Dowleswaram,

East Godavari District.

2.The Executive Engineer, Irrigation Division, Bhimavaram,

West Godavari District.

3.The Deputy Executive Engineer, Irrigation Division, Bhimavaram,

West Godavari District.

4. Two C.Cs. to the Government Pleader for Irrigation, High Court

Buildings, Hyderabad. (O.U.T.)

5.Two C.D. copies.